

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELLE LYNN BURNELL, *pro se*

Plaintiff,

v.

LEWIS BRISBOIS BISGAARD &
SMITH LLP, (*a foreign limited liability
partnership*); and HEATHER M. JENSEN,
WSBA #29635 (*individual capacity; 42
U.S.C §1983*); and to ANNEMARIE
MCDOWELL, WSBA#50470 (*individual
capacity; 42 U.S.C §1983*).

Defendant(s).

CASE NO. 2:22-cv-00265-JLR

AMENDED COMPLAINT

JURY DEMAND

I. NATURE OF ACTION

1.1 Introduction. This is a civil rights action brought by employment discrimination. This case arises from claims of verbal assault, violation of direct threat of communicable diseases, violation of right to safe workplace, bad faith, professional negligence, hostile work environment, retaliation, proximity bias, failure to provide accommodation in the reasonable accommodation interactive process, failure to provide a reasonable accommodation, oppression in the workplace, negligent hiring practices, intentional infliction of emotional harm, emotional distress, physical, cognitive, behavioral, and emotional injury, loss of privilege to Constitutional Rights, loss of privilege to Human Rights and violation of RCW 49.60. Plaintiff pursuant to 42 USC §1983 and the Fourth and Fourteenth Amendment. Fourteenth Amendments against the Defendants and their individual capacity under the color of law.

II. PARTIES

2.1 Plaintiff, MICHELLE LYNN BURNELL, and at all times relevant member of a (“protected class”) and an employee of Defendants (“collectively”). Plaintiff is a resident of King County, Washington. I write this Amended Complaint under Equal Protect of the Law.

2.2 Defendant, LEWIS BRISBOIS BISGAARD & SMITH, LLP, is a foreign limited liability partnership within the State of Washington, and at all times relevant employer of the Parties. The above violations described herein were proximately caused by its negligence under the color of law.

2.3 Defendant, HEATHER M. JENSEN, at all times relevant, Heather M. Jensen was employed as Managing Partner and Governor of Defendants (“LBBS”) Seattle, Washington law firm and was acting within the course and scope of her employment with Lewis Brisbois Bisgaard & Smith acting under color of law.

1 leave “allowed back to working in the office” upon returning from (“PFMLA”). Plaintiff is a
2 member of a “protected class.”

3 4.4 Defendants Jensen and McDowell at all times in their individual and professional
4 capacity were aware of the work-related issues, anxiety and thyroid issues I was having prior to
5 the meeting. Defendants were acting in concert while under the color of law within this meeting.

6 4.5 Based upon information and knowledge, Defendants Jensen and McDowell chose
7 to confront me in a further attempt to psychologically harm me, reprimand me for my behavior
8 and make sure nothing was talked about as to what had and was continuing to happen to me within
9 the confines of a prestigious law firm. This meeting was successful for the Defendants, at the
10 expense of my mental health.

11 4.6 Defendants (“JENSEN”) and (“McDowell”) decided it was best to deal with me
12 within the walls of Defendant Jensen’s office -- the managing attorney’s office.

13 4.7 On December 2, 2020, approximately 15 minutes of me “being allowed to be
14 physically present” in the office for the first time since April 9, 2020. Defendants acting in bad
15 faith, called this meeting in a final attempt to make quiet all of the issues happening around my
16 working conditions and my voiceful objections to the injustices I suffered thereafter.

17 4.8 Defendants at all times knowing the laws, and with all due respect to the Plaintiff
18 having already provided Defendants full disclosure of the loss of my mother to a traumatic event.
19 Defendants, my employer, attorneys at law to be specific, owed me the duty to uphold the
20 Constitution and the duty to cause me no harm

21 4.9 On April 8, 2020, Defendants knowingly allowed Grace Kozinsky an employee of
22 Defendants to be present in the office with an “uncontrollable cough to the point of vomiting,”
23 This is undoubtedly common knowledge a sign of *some* type of respiratory issue. This failure to
24 act lead to Plaintiff being screamed at by both the firm administrator, Stacy Bowers and coworker

1 Grace Kozinsky that ended with me having to state that we are under a governor's mandate to stay
2 home sick, that this is a "law firm" and that I have the right to a safe work-place. It was not until I
3 without hesitation told Stacy Bowers that -- I am calling Greg Worden, Administrative Partner, my
4 direct report to Partner, right now and tell him that I am having to choose my safety and cannot
5 make our 5pm court of appeals filing deadline that I was assisting him on because of what just
6 happened. It was then that Stacy Bowers told Grace that she needed to go home. I did not end up
7 making a call to Greg Worden as Stacy corrected the situation. I thought. I left in severe confusion,
8 duress and uncontrollably crying that day.

9 4.10 On April 9, 2020, Stacy Bowers reprimanded me for my actions the day by
10 removing me from the skeleton crew that was working in the office and that effective immediately
11 I needed to go work remotely. Stacy told me she "knew there would be a problem with me being
12 on the skeleton crew."

13 4.11 While in the meeting with Stacy Bowers I received a phone call from Greg Worden
14 calling about a filing status since we had a 12pm deadline. I answered that call on my cell phone
15 and immediately excused myself from Stacy's office and while sobbing attempted to explain what
16 happened with Grace the day before and what Stacy was telling me at the time of his call to me. I
17 was in a panic and ultimately Greg Worden told me Stacy hadn't talked to him about anything that
18 had happened yet. I ended that call with Greg and I deciding that I will take my laptop home and
19 hurry to make our filing deadline. It was while I was packing my laptop and rules books up that I
20 heard someone coughing from the dark reception area. It was Gracy Kozinsky logged into the
21 reception computer working in the dark. Mr. Worden should have taken professional legal
22 responsibility to take it upon himself to immediately remind Stacy of the laws and cease all
23 inappropriate actions towards me.

1 4.12 On April 9, 2020, and at all times relevant Defendants harmed my ability to
2 produce work and caused for proximity bias by sending me home with a laptop that was not
3 configured to their system causing me to not be up and running with the tools to be successful
4 cause me to have to other legal support staff to take complete my work product.

5 4.13 Defendants at all times relevant failed to provide accommodation in the reasonable
6 accommodation interactive process.

7 4.14 Defendants negligence in providing me a reasonable accommodation, working
8 equipment to do handle my case load of approximately 150 cases ended up with my coworkers
9 taking jabs at my work, causing me to point out the facts to why my work product and myself
10 personally were suffering to coworkers that did not have the necessary 10 years of legal experience
11 required for employment at LBBS lead to harm of Plaintiff and is negligent in hiring practices on
12 the Defendants.

13 4.15 Defendants failure to act at all time relevant allowed for these types of remarks by
14 coworkers caused for multiple calls, and zoom meets only to be reprimand from Heather Jensen,
15 Greg Worden and Stacy Bowers on multiple occasions ultimately leading to multiple mental health
16 issues.

17 4.16 As a result of the actions of the Defendants in this matter, Michelle Lynn Burnell
18 was denied her right to life, liberty and justice for all.

19 Plaintiff reserves the right to identify additional causes of action at a later date.

20 Additionally, Plaintiff reserves the right to file for Leave to Re-petition the Court
21 for an Appointment of Counsel upon filing of this Amended Complaint. Plaintiff makes this
22 reservation upon mercy of the Court in which based on the nature and complexity of the case,
23 relationship between the Parties, status of my mental health, and based on the Pleadings filed to
24 date makes it clear to me that I need the assistance of an attorney to make it through this case.

V. PRAYERS FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. Compensatory damages and punitive damages in an amount to be proven at trial.
- Plaintiffs seek punitive damages against all defendants;
2. For reasonable attorneys' fees and costs; and
3. For such other and further relief as the Court deems just and equitable.

DATED this 30 DAY of JUNE, 2022 at Lacey, WA.

/s Michelle Lynn Burnell
Michelle Lynn Burnell, *pro se* Plaintiff
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